

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13 cr 26**

**UNITED STATES OF AMERICA,**

**Vs.**

**PATRICK LAYNE GRIFFIN.**

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**ORDER**

**THIS MATTER** is before the undersigned pursuant to a letter (#28) addressed to the undersigned from Defendant. The undersigned has directed that the letter be placed in the Court file as a sealed document. In the document, it appears that Defendant is requesting to be released on terms and conditions of presentence release. Defendant is represented by Attorney Carol Ann Bauer. LCrR 47.1 (H) of the Local Rules of Criminal Procedure states as follows:

**(H) Pro Se Motions Filed by Criminal Defendants Who Have Not Waived Their Right to Counsel.** Except for challenges to the effective assistance of counsel, the Court will not ordinarily entertain a motion filed by a criminal defendant who is still represented by counsel and has not formally waived his or her right of counsel in the presence of a judicial officer after being fully advised of the consequences of waiver. Exceptions to this general rule may be made in the discretion of the judicial officer considering the *pro se* motion.

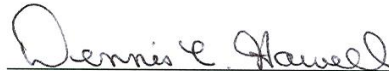
The undersigned does not find that an exception should be made to this Rule

and thus will deny the request of Defendant without prejudice to subsequent filings by counsel for Defendant.

**ORDER**

**IT IS, THEREFORE, ORDERED**, that the portion of the sealed letter of Defendant (#28) requesting release pending sentencing is hereby **DENIED** without prejudice.

Signed: July 30, 2013



Dennis L. Howell  
United States Magistrate Judge

